

## **CHAPTER 9**

### **Employer Testing Program Sanction Guidelines**



**EMPLOYER TESTING PROGRAM  
GUIDELINES FOR SANCTIONS**

<b>§25.07 Employer Prerequisites</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The employer requesting participation in the Employer Testing Program must be engaged in an activity that includes the use of vehicles requiring its employees to possess a valid Class A or Class B commercial driver license or a non-commercial firefighters Class A or Class B driver license.	N/A	N/A	N/A	N/A	Deny ETP enrollment
(b) The employer must have a terminal(s) in California where business is conducted, driving tests are conducted, and Employer Testing Program records are kept. Rental of a desk or desk space in a structure that is not owned, leased, or rented by the employer does not constitute a valid place of business for purposes of Employer Testing Program qualifications.	N/A	N/A	N/A	N/A	Deny ETP enrollment

  

<b>§25.08 Employer Testing Program Enrollment</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The employer requesting participation in the Employer Testing Program must submit:	N/A	N/A	N/A	N/A	Deny ETP enrollment
(1) An original Application for Employer Number (DL520ETP, Rev. 7/02), hereinafter referred to as the Application (DL520ETP, Rev. 7/02). The Application (DL520ETP, Rev. 7/02) will serve as the employer's written agreement with DMV. The application shall meet the requirements of 25.08(a) (1) (A) through (T)(3).					

*Sanctions are not applicable to 25.08 (b) through 25.08 (n).*

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.09 Application Changes</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The following changes must be reported to DMV within 10 days of occurrence in writing on company letterhead, or by submitting a completed and signed Application (DL520ETP, Rev. 7/02): 25.09 (a) (1) through (3).	Minor	Warning letter	30 Day suspension	60 Day suspension	No Action against driver(s)
(b) A change of Administrator or change of employer name must be reported to DMV within 10 days of occurrence by submitting an Application (DL520ETP, Rev. 7/02).	Minor	Warning letter	30 Day suspension	60 Day suspension	No Action against driver(s)

<b>§25.10 Driving Test Routes</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) Upon adoption of these regulations, every employer who applies for a new and/or renewed employer number must provide documentation of primary and alternate driving test routes on the Commercial Driving Performance Evaluation Route and Directions (DL814ETP, Rev. 10/01), Employer Testing Program Commercial DPE Maneuver Checklist (DL807ETP, Rev. 7/02), and route map(s). Upon DMV's approval, each route will be given a department route approval number.	N/A	N/A	N/A	N/A	Deny ETP enrollment
(b) The DMV route approval number assigned to the route used for the driving test shall be required on the driving test score sheets. The DMV route approval number assigned to the route used for the driving test shall be required on the Certificate of Driving Skill (DL170ETP, Rev. 7/02).	N/A	Warning letter	30 Day suspension	60 Day suspension	N/A Do not accept Certificate of Driving Skill

*Sanctions are not applicable to 25.10 ©.*

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.10 Driving Test Routes (cont.)</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(d) Any changes to an approved route must be reported by the employer on the Commercial Driving Performance Evaluation Route and Directions (DL814ETP, Rev. 10/01), Employer Testing Program Commercial DPE Maneuver Checklist (DL807ETP, Rev. 7/02), along with the route map, and approved by the DMV prior to use.	Less Serious	30 day suspension	60 Day suspension	90 Day suspension	Retest driver(s)
(e) Corrections to any route found to be deficient by the Federal Highway Administration (FHWA), or its representative, and/or DMV, or its representative, must be reported by the employer on the Commercial Driving Performance Evaluation Route and Directions DL814ETP, Rev. 10/01), Employer Testing Program Commercial DPE Maneuver Checklist (DL807ETP, Rev. 7/02), and route map; and approved by DMV before the new/revised route can be used.	Less Serious	30 day suspension	60 day suspension	90 Day suspension	Retest driver(s)

<b>§25.11 Quality Assurance Oversight</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The employer shall establish and maintain a quality assurance program that meets the requirements of 25.11 (a) (1) through (5).	Serious	60 day suspension	90 Day suspension	Revocation	N/A

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.12 Driver Training Program</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) Every employer shall establish and maintain a driver-training program for its commercial drivers.	Serious	60 day suspension	90 Day suspension	Revocation	Retest driver(s)
(b) Prior to testing employees for certification purposes under the Employer Testing Program, the employer must provide the employee commercial driver training that includes the requirements of 25.12 (b) (1) through (7).	Serious	60 day suspension	90 Day suspension	Revocation	Retest driver(s)

<b>§25.13 Driving Test Program</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The employer must establish and maintain a driving test program for certification purposes under the Employer Testing Program, which uses the Commercial Driver License Driving Performance Evaluation criteria established by DMV, in all driving tests used for certification purposes.	Serious	90 day suspension	Revocation	N/A	Retest driver(s)
(b) All driving tests must be conducted by an Examiner who has been authorized by DMV to conduct driving tests for the Employer Testing Program.	Serious	90 day suspension	Revocation	N/A	Retest driver(s)
(c) All driving tests must be conducted on an employer's DMV approved route, with no deviations from the approved route. (Deviations from the route, due to an unforeseen road hazard are excluded.)	Serious	60 day suspension	90 Day suspension	Revocation	Retest driver(s)
(d) If the employer uses a commercial vehicle with special equipment (SE) plates during the driving test, a trip permit is required at the time of the test.	Less Serious	30 day suspension	60 Day suspension	90 Day suspension	N/A

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.14 Certificate of Driving Skill (DL170ETP)</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) Upon successful completion of the driving test, a Certificate of Driving Skill (DL170ETP, Rev. 7/02) shall be completed and signed by the Authorized Representative, Examiner, and driver under penalty of perjury under the laws of the State of California.	N/A	N/A	N/A	N/A	Do not accept Certificate of Driving Skill
Sanctions do not apply to 25.14 (b) and 25.14 (c).					

<b>§25.15 Record-Keeping Program</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The employer shall keep records showing Employer Testing Program related information on training and testing given its certified employee drivers. The employer's records shall include 25.15 (a)(1) through (14).	Serious	60 day suspension	90 Day suspension	Revocation	N/A
b) The employer must keep training records, driving test score sheets, employment records, and all other Employer Testing Program related records for the three most recent years and three years after the employer is no longer in the program and/or the driver is released from employment.	Serious	60 day suspension	90 Day suspension	Revocation	Retest driver(s)
c) The employer shall make available all Employer Testing Program-related records pertaining to driver training, testing, and employment, for review by DMV during normal business hours at the record-keeping location identified on the employer's Application (DL520ETP, Rev. 7/02).	Serious	60 day suspension	90 Day suspension	Revocation	Retest driver(s)
(d) At DMV's request, the employer shall make records available which verify that (d)(1) through (3) are followed.:.	Serious	60 day suspension	90 Day suspension	Revocation	Retest driver(s)

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.16 Sample Testing of Certified Drivers</b>						
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>	
<i>Sanctions are not applicable to 25.16 (a) through 25.16 (d).</i>						
(e) The employer shall be held responsible for ensuring that the driver is available for a test at DMV within 30 days of DMV's notice for a DMV administered test unless the driver is no longer employed by the employer. The employer must submit a copy of the driver's drive test score sheets to the DMV within 30 days of the written notice of the selection. If the employer no longer employs the driver, the employer shall notify DMV within 10 days of receipt of DMV's notice of the selection for DMV administered test.	Serious	60 day suspension	90 Day suspension	Revocation	N/A	
<i>Sanctions are not applicable to 25.16 (f) through 25.16 (h).</i>						
<b>§25.17 Cancellations/Reinstatements</b>						
<i>Sanctions are not applicable to 25.17 (a) through 25.17 (c).</i>						

<b>§25.18 Sanctions/Reinstatements</b>				
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
(a) The employer shall assign a person to perform the duties of an Administrator, and shall assign person(s) to perform the duties of the Authorized Representative(s), who must abide by the provisions in 25.19 (a)(1) through (3)	N/A	N/A	N/A	Deny ETP enrollment

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.19 Employer Roles and Responsibilities (cont.)</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(b) The employer must ensure that all drivers are provided commercial driver training pursuant to subdivision (b) of Section 25.12 of these regulations prior to certification.	Serious	60 day suspension	90 Day suspension	Revocation	Retest driver(s)
(c) The employer must enroll each commercial driver under its Employer Pull Notice number after issuance of the Certificate of Driving Skill (DL170ETP, Rev. 7/02), during the driver's actual term of employment.	Minor	Warning letter	Warning letter	Warning letter	Notify California Highway Patrol
(d) The employer must enroll each Examiner under its Employer Pull Notice number during the employer and Examiner's contract period.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
e) The employer must not use an examiner for driver testing when a pull notice printout shows that the examiner no longer qualifies to test drivers under subdivisions (a)(2) and (a)(3) of Section 25.22 of these regulations. The employer must notify DMV of this disqualification within 10 days of receipt of the Employer Pull Notice number printout.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(f) Upon adoption of these regulations, prior to allowing an Examiner to conduct a commercial driving test, the employer must follow (f)(1) through (2).	Serious	60 Day suspension	90 Day suspension	Revocation	N/A
g) The employer's contract with the Examiner hereinafter referred to as the "Examiner's contract" must contain, at a minimum, the following provisions. The Examiner must comply with (g)(1) through (13).	Serious	60 Day suspension	90 Day suspension	Revocation	N/A
(h) Prior to the issuance of a Certificate of Driving Skill (DL170ETP, Rev. 7/02), the employer must ensure that the provisions of 25.19(h) (1) through (5), are followed.	Serious	60 Day suspension	90 Day suspension	Revocation	N/A

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.20 Administrator Roles and Responsibilities</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The Administrator must be an employee of the employer, and must have sufficient knowledge of the provisions of the California Code of Regulations, Title 13, Sections 25.06 through 25.22, to oversee the program and serve as the employer's liaison with DMV.	N/A	N/A	N/A	N/A	Deny ETP enrollment
(b) The Administrator must sign the Application (DL520ETP, Rev. 7/02), Commercial Driving Performance Evaluation Route and Directions (DL814ETP, Rev. 10/01) and the Employer Testing Program Commercial DPE Maneuver Checklist (DL807ETP, Rev. 7/02) if requesting a route exemption.	N/A	N/A	N/A	N/A	Deny ETP enrollment
(c) The Administrator is responsible for making sure that all provisions and terms of the Employer Testing Program regulations contained in the California Code of Regulations, Title 13, Sections 25.06 through 25.22, are honored.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(d) The Administrator must make sure that the Authorized Representatives, Examiners, and all drivers abide by the terms of the Employer Testing Program regulations contained in the California Code of Regulations, Title 13, Sections 25.06 through 25.22, in the performance of their roles and responsibilities.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s).
(e) The Administrator must make sure that the driving test used for certification purposes meets the DMV's Commercial Driver License Driving Performance Evaluation standards.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(f) The Administrator must make sure that the employer continues to meet the qualifying criteria for an employer number pursuant to Section 25.07 of these regulations.	Serious	Cancel Employer Number	Cancel Employer Number	Cancel Employer Number	Retest driver(s)

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.20 Administrator Roles and Responsibilities (cont.)</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(g) The Administrator must make sure that any deficiencies found in the employer's program are corrected prior to the employer resuming Employer Testing Program training, testing, and driver certification.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(h) The Administrator must provide proper training, testing, and employment records and other required documentation when requested for inspection and verification by the Federal Highway Administration, or its representative, and DMV.	Serious	60 day suspension	90 Day suspension	Revocation	N/A
(i) The Administrator must not allow a Certificate of Driving Skill (DL170ETP, Rev. 7/02) to be issued when the employer no longer qualifies for participation in the program.	Serious	Cancel Employer Number	Cancel Employer Number	Cancel Employer Number	Retest driver(s)
(j) The Administrator must ensure the Examiner has successfully passed the DMV's Examiner training and has the appropriate valid California commercial driver license for the type of vehicle used for certification purposes, prior to the employer's contract with the Examiner.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(k) The Administrator must not allow an Examiner to conduct a driving test when the Examiner is no longer authorized or qualified to do so.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)

<b>§25.21 Authorized Representative Roles and Responsibilities</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) The Authorized Representative must be an employee of the employer.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(b) The Authorized Representative shall be responsible for ensuring that the Certificate of Driving Skill (DL170ETP, Rev. 7/02) is accurate and complete before signing.	Less Serious	30 day suspension	60 Day suspension	90 Day suspension	Refuse DL170ETP

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.21 Authorized Representative Roles and Responsibilities (cont.)</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(c) The Authorized Representative must make sure that the Examiner conducting the driving test has a current contract with the employer, and has a valid commercial driver license, with the appropriate class and endorsement, for conducting the driving test.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(d) The Authorized Representative must verify that the driver being certified has received specified commercial driver training, and is an employee of the employer at the time of the training.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(e) The Authorized Representative must verify that the driver being tested for certification purposes is an employee of the employer at the time of the driving test.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(f) The Authorized Representative must verify that driver being certified under the employer's employer number is an employee of the employer at the time of certification.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(g) An Authorized Representative must ensure the required drive test is given to the certified driver using a DMV approved route	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(h) The Authorized Representative must not act or sign as the Examiner and Authorized Representative on the same Certificate of Driving Skill (DL170ETP, Rev. 7/02).	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(i) The Authorized Representative must not act as an Authorized Representative for his/her own relative, supervisor, or for himself or herself.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.22 Examiner Roles and Responsibilities</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(a) Upon adoption of these regulations, a new Examiner is not authorized to conduct a commercial driving test for his/her employer until he or she does all of 25.22 (a)(1) through (7).	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
<i>Sanctions are not applicable to 25.22 (b).</i>					
(c) The Examiner must make sure that the driver has obtained an instruction permit from DMV appropriate for the test vehicle before the drive test is conducted.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(d) The Examiner must conduct all driving tests for certification purposes using the Commercial Driver License Driving Performance Evaluation criteria established by DMV.	Serious	90 Day suspension	Revocation	N/A	Retest driver(s)
(e) The Examiner must make sure that the driver is given and successfully passes a complete commercial driving test including the pre-trip inspection, skills, and road tests.	Serious	90 Day suspension	Revocation	N/A	Retest driver(s)
(f) The Examiner must make sure that the correct type of commercial vehicle is used for the driving test.	Serious	90 Day suspension	Revocation	N/A	Retest driver(s)
(g) An Examiner who conducts the drive test for certification purposes, must not sign the (DL170ETP, Rev. 7/02) as the Authorized Representative.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(h) The Examiner must complete and sign the Certificate of Driving Skill (DL170ETP, Rev. 7/02) as the Examiner, for each drive test they conduct for certification purposes.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
<i>Sanctions are not applicable to 25.22 (j).</i>					
(i) The Examiner must be enrolled in the Employer's Pull Notice program during the contract period.	Serious	60 Day suspension	90 Day suspension	Revocation	N/A

Note: Sanctions are dependent on the significance of non-compliance.

<b>§25.22 Examiner Roles and Responsibilities (cont.)</b>					
<b>Regulation</b>	<b>Severity of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Action</b>
(k) The Examiner must maintain a valid medical card and ensure that a valid Medical Examination Report (DL51, Rev. 6/02) is on file with DMV. Examiners who have a noncommercial firefighter license Class A or B must submit a Non-Commercial Driver License Health Questionnaire (DL546, Rev. 4/2000) to DMV.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)
(l) The Examiner must be available between the hours of 8:00 a.m. to 5:00 p.m., to participate in the audit, inspection, or route review.	Serious	60 Day suspension	90 Day suspension	Revocation	N/A
(m) The Examiner must update testing skills as needed in response to statutory and program changes.	Serious	60 Day suspension	90 Day suspension	Revocation	Retest driver(s)

Note: Sanctions are dependent on the significance of non-compliance.